

# **FORTY-NINTH DAY**

---

**THURSDAY, APRIL 10, 1997**

---

## **PROCEEDINGS**

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

The Reverend Dr. Julius Lee Jackson, Macedonia Baptist Church, Fort Worth, accompanied by his granddaughter Kristien Gray and the Reverend Kenneth Braxton, offered the invocation as follows:

Almighty God who has granted unto the State of Texas the democratic ideal by which our destiny may be determined, we thank Thee that Thou hast blessed our state to survive the infectious climate of confusion and uncertainty, helplessness and irresponsibility, by preserving among us enlightened and concerned men and women who cherish their heritage and have purposed in their hearts to extend this heritage to whoever desires it.

We thank You for leaders such as Senators Mike Moncrief, Royce West, Florence Shapiro, Chris Harris, Jane Nelson, David Sibley, David Cain, and all who constitute this regal family of Texas Senators.

Please, God, give them the wisdom and courage to make wise decisions. May they never be a hinderance to Thy work because they fear making decisions or because they do not have the courage to act upon them. Forgive them when they err in judgment, O God, but let them not be afraid to make honest mistakes. We know infinite wisdom belongeth only to Thee and our best knowledge is but a reflection of Thy truth. May they never refuse when action is demanded of them because they do not have perfect knowledge.

We plead for the action of the Holy Spirit upon all they think and do. When they think and act according to Thy will, O God, may Thy spirit work through and in them. However, in their thoughts and deeds should they forget Thee, let Thy Holy Spirit overshadow them in spite of their resistance. May, God, Your mind and work prevail with the leadership of this great state and their purpose meet Your divine expectations. Thine be the glory and the power forever and ever. In the name of Jesus the Christ we have prayed. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**CO-AUTHOR OF SENATE BILL 565**

On motion of Senator Truan and by unanimous consent, Senator Zaffirini will be shown as Co-author of **SB 565**.

**CO-AUTHOR OF SENATE BILL 1320**

On motion of Senator Barrientos and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 1320**.

**CO-AUTHOR OF SENATE BILL 1365**

On motion of Senator Barrientos and by unanimous consent, Senator Lucio will be shown as Co-author of **SB 1365**.

**CO-AUTHOR OF SENATE BILL 1564**

On motion of Senator Wentworth and by unanimous consent, Senator Ratliff will be shown as Co-author of **SB 1564**.

**CO-AUTHOR OF SENATE JOINT RESOLUTION 41**

On motion of Senator Wentworth and by unanimous consent, Senator Ratliff will be shown as Co-author of **SJR 41**.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
April 8, 1997

**TO THE SENATE OF THE SEVENTY-FIFTH LEGISLATURE,  
REGULAR SESSION:**

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

**TO BE A MEMBER OF THE TEXAS GUARANTEED STUDENT LOAN  
FUND BOARD for a term to expire January 31, 2003:**

ALFRED JACKSON  
8210 Frontaneac  
Houston, Texas 77071

Mr. Jackson will be replacing Sharon Michael of Houston whose term expired.

**TO BE MEMBERS OF THE TEXAS STATE UNIVERSITY SYSTEM  
BOARD OF REGENTS for terms to expire February 1, 2003:**

JOHN PHILIP HAGEMAN  
1906 Shadowbrook  
Round Rock, Texas 78681

Mr. Hageman will be replacing William L. Cunningham of San Marcos whose term expired.

NANCY R. NEAL  
4612 21st Street  
Lubbock, Texas 79407

Ms. Neal will be replacing Becky R. Espino of Fort Stockton whose term expired.

FLOYD NICKERSON  
2202 Gathright Drive  
Abilene, Texas 79606

Mr. Nickerson will be replacing Jane Monday of Huntsville whose term expired.

Respectfully submitted,

/s/George W. Bush  
Governor of Texas

**PERMISSION TO INTRODUCE BILLS**

On motion of Senator Truan and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills:

**SB 23, SB 24, SB 25, SB 26, SB 27, SB 28**

**(Senator Truan in Chair)**

**SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

**SB 23** by Brown

Relating to the boundaries, confirmation election, and taxing authority of the Clear Creek Watershed Regional Flood Control District.  
To Committee on Natural Resources.

**SB 24** by Ratliff

Relating to the terms of the district courts in Bowie County.  
To Committee on Jurisprudence.

**SB 25** by Truan, Lucio

Relating to certain previously waived service credit in the Employees Retirement System of Texas.  
To Committee on State Affairs.

**SB 26** by Galloway

Relating to the Town Center Improvement District of Montgomery County, Texas; authorizing a tax and granting the authority to issue bonds.  
To Committee on Intergovernmental Relations.

**SB 27** by Harris

Relating to the regulation of persons that provide consumer credit information to third parties; providing a civil penalty.  
To Committee on State Affairs.

**SB 28** by Barrientos

Relating to the Barton Springs-Edwards Aquifer Conservation District.  
To Committee on Natural Resources.

**SCR 66** by Brown

Supporting the implementation of the Texas Wetlands Conservation Plan.  
To Committee on Natural Resources.

**HOUSE BILLS ON FIRST READING**

The following bills received from the House were read first time and referred to the committees indicated:

- HB 157** to Committee on Criminal Justice.
- HB 212** to Committee on Health and Human Services.
- HB 213** to Committee on Health and Human Services.
- HB 475** to Committee on State Affairs.
- HB 480** to Committee on Criminal Justice.
- HB 614** to Committee on Jurisprudence.
- HB 622** to Committee on Jurisprudence.
- HB 749** to Committee on Criminal Justice.
- HB 833** to Committee on State Affairs.
- HB 834** to Committee on Finance.
- HB 889** to Committee on Health and Human Services.
- HB 977** to Committee on State Affairs.
- HB1016** to Committee on Natural Resources.
- HB1092** to Committee on Jurisprudence.
- HB1113** to Committee on Intergovernmental Relations.
- HB1288** to Committee on State Affairs.
- HB1300** to Committee on International Relations, Trade, and Technology.
- HB1386** to Committee on Criminal Justice.
- HB1387** to Committee on State Affairs.
- HB1406** to Committee on Natural Resources.
- HB1520** to Committee on International Relations, Trade, and Technology.
- HB1525** to Committee on Economic Development.
- HB1720** to Committee on Economic Development.
- HB1880** to Committee on International Relations, Trade, and Technology.

(President in Chair)

**CAPITOL PHYSICIAN**

The "Doctor for the Day," Dr. Pamela Warren of Austin, was introduced to the Senate by Senator Barrientos.

The Senate expressed appreciation and gratitude to Dr. Warren for participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**MESSAGE FROM THE HOUSE**

**HOUSE CHAMBER**

**Austin, Texas**

**Thursday, April 10, 1997**

The Honorable President of the Senate  
Senate Chamber  
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

**THE HOUSE HAS PASSED THE FOLLOWING MEASURES:**

**HB 41**, Relating to the authority of a school district to permit certain persons to perform services for the district in lieu of paying ad valorem taxes owed to the district.

**HB 110**, Relating to land acquired by a taxing unit through foreclosure of a lien.

**HB 219**, Relating to the licensing of agents for health maintenance organizations.

**HB 279**, Relating to a requirement that inmates of the Texas Department of Criminal Justice participate in work and educational programs.

**HB 358**, Relating to the use of certain detained or embargoed articles.

**HB 373**, Relating to the forfeiture of commutation of time for good conduct by an inmate of a county jail who files a frivolous or malicious lawsuit.

**HB 601**, Relating to the liability in relation to and regulation of the ownership, operation, and use of sport shooting ranges.

**HB 975**, Relating to preventing and prosecuting the criminal offense of escape.

**HB 1301**, Relating to the oversight of the private sector prison industries program.

**HB 1404**, Relating to the authority of public institutions of higher education to offer courses by distance learning.

**HB 1414**, Relating to the creation, powers, and duties of the Community Reinvestment work group.

**HB 1638**, Relating to participation and credit in, contributions to, and benefits and administration of the Texas County and District Retirement System.

**HB 1790**, Relating to the licensing and regulation of certain motor vehicle dealers.

**HB 2074**, Relating to the continuation and functions of the Texas Youth Commission.

**HCR 123**, Congratulating the Honorable Bill Sims on his receipt of the Texas A&M Distinguished Texan in Agriculture Award.

**HCR 196**, Honoring Dr. Mary Gagne for her achievements as an educator.

**HJR 24**, Proposing a constitutional amendment granting the supreme court jurisdiction to answer questions of law certified from the court of criminal appeals and granting the court of criminal appeals jurisdiction to answer questions of law certified from the supreme court.

**HJR 59**, Proposing a constitutional amendment limiting debt payable from the general revenue fund.

**SB 757**, Relating to water quality protection zones.

**SCR 54**, Proclaiming the month of April, 1997, as Youth Alcohol Awareness Month in Texas.

Respectfully,

/s/Sharon Carter, Chief Clerk  
House of Representatives

#### **GUESTS PRESENTED**

Senator Patterson was recognized and introduced to the Senate delegations from Texas City, Midland, and Tyler representing Marathon Oil Company.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 470**

Senator Barrientos offered the following resolution:

WHEREAS, The Texas Senate is especially pleased to extend heartfelt congratulations to Mr. and Mrs. Fred H. Goodnight, Jr., of Austin, Texas, on the joyful occasion of their 50th wedding anniversary; and

WHEREAS, Agnes Theresa Costello and Fred H. Goodnight, Jr., were married on April 12, 1947, in Saint Martin's Catholic Church in Forney, Texas, and over the years the beloved couple has formed an ideal relationship based on love, mutual respect, and understanding; and

WHEREAS, Their hearts are filled with beautiful memories of their life together that are cherished more dearly with each passing year; and

WHEREAS, The strengthening ties of children, home, family, and friends have been woven into a blend of quiet contentment springing from a long and fruitful life shared; and

WHEREAS, After living in Dallas and Houston, where their three children were born, the couple moved to Austin in 1963, and have made their home there ever since; they are members of Saint Ignatius Catholic Church, where Agnes is a member of the choir; and

WHEREAS, Agnes was employed by Leif Johnson Ford for 29 years before retiring in May, 1992; Fred was affiliated with his brother, Charles, with Hill's Cafe, "Home of the Famous Sizzler," for many years before running a landscaping service until he retired in 1992; and

WHEREAS, Agnes and Fred now have time to enjoy their hobbies; their activities include travelling with family and friends, walking, landscaping, and attending their grandchildren's sporting events; and

WHEREAS, Sharing this special day with them will be their children, Mike Goodnight, Vickie Goodnight Sneed, and Becki Goodnight Gregg, and their grandchildren, Nicole Goodnight, Angel Polansky Hernandez, Kristen Polansky, Scott Sneed, and Regina Freitag; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby recognize Mr. and Mrs. Fred H. Goodnight, Jr., on their golden wedding anniversary and extend best wishes for continued health and happiness; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the distinguished couple as a memento of this important occasion.

The resolution was again read.

The resolution was previously adopted on Wednesday, April 9, 1997. The names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

**(Senator Truan in Chair)**

#### **GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate Fred and Agnes Goodnight, accompanied by their daughter Becki Gregg, their daughter and son-in-law Vicki and John Sneed, and their son Mike Goodnight.

The Senate welcomed its guests.

#### **SENATE RESOLUTION 476**

Senator Brown offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to honor Dr. Alex Ignatiev, Director of the Space Vacuum Epitaxy Center at the University of Houston, and Thomas D. Jones and Kenneth D. Cockrell, National Aeronautics and Space Administration astronauts for their invaluable work with our nation's space program; and

WHEREAS, Professor of Physics and Chemistry at the University of Houston, Dr. Ignatiev has been with the university for over 20 years and was appointed to the position of director of the Space Vacuum Epitaxy Center in 1988; and

WHEREAS, The Wake Shield Facility program, one of Dr. Ignatiev's main projects, has focused on the utilization of the vacuum of space for new thin film materials development; and

WHEREAS, A native of Maryland, Thomas D. Jones is a 1977 distinguished graduate of the United States Air Force Academy and earned a doctorate in planetary science from the University of Arizona; Dr. Jones became an astronaut in 1991 and has flown on successive flights of space shuttle Endeavour; during the space flight of STS-80, Dr. Jones released into and grappled from orbit the Wake Shield satellite, using Columbia's robot arm; and

WHEREAS, Kenneth D. Cockrell is a native of Austin, Texas, and graduated with a bachelor of science degree in mechanical engineering from The University of Texas in 1972 before earning a master of science degree in aeronautical systems from the University of West Florida in 1974; a captain in the United States Naval Reserve, Kenneth Cockrell became an astronaut in 1991, he flew on two space flights in 1995, and was assigned to command the third flight of the Wake Shield Facility aboard Columbia on STS-80 in late 1996; and

WHEREAS, The long-term objectives of the Wake Shield Facility program are to commercialize the use of the space ultra-vacuum for the production of high value thin film semiconductor materials and devices for terrestrial and space use; the economic impact of the space thin film will greatly support Texas as a Space State and will significantly impact the burgeoning electronics industry in Texas; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend these remarkable individuals who have made such magnificent contributions to the NASA program and to the State of Texas.

The resolution was read.

**(President in Chair)**

On motion of Senator Gallegos and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brown, the resolution was adopted by a viva voce vote.

**(Senator Truan in Chair)**

#### **GUESTS PRESENTED**

Senator Brown was recognized and introduced to the Senate Dr. Alex Ignatiev of the Space Vacuum Epitaxy Center and Thomas D. Jones, Kenneth D. Cockrell, and Sherry Miller of the National Aeronautics and Space Administration.

The Senate welcomed its guests.

#### **RESOLUTIONS SIGNED**

The Presiding Officer announced the signing of the following enrolled resolutions in the presence of the Senate: **HCR 104, HCR 127, HCR 185**



**GUESTS PRESENTED**

The Presiding Officer, Senator Truan in Chair, joined by Senator Lucio, introduced to the Senate Hidalgo County Commissioner Sylvia Handy.

The Senate welcomed Commissioner Handy.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider the following bills today:

**SB 690, SB 691, SB 765, SB 851, SB 922, SB 1036, SB 1090, SB 1100,  
SB 1102, SB 1257, SB 1333, SB 1334, SB 1428, SB 1442, SB 1482,  
SB 1486, SB 1624, SB 1634, SB 1704, SB 1714, SB 1715, SB 1752**

**(President in Chair)**

**GUEST PRESENTED**

Senator Shapleigh was recognized and introduced to the Senate Myrna Deckert, National Chair of the YWCA.

The Senate welcomed Ms. Deckert.

**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced to the Senate Tom and Pam Woodward of New Zealand.

The Senate welcomed Mr. and Mrs. Woodward.

**SENATE RESOLUTION 477**

Senator Brown offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to recognize the Honorable William M. Sims for winning the 1996 Texas A&M Distinguished Texan in Agriculture Award; and

WHEREAS, The Distinguished Texan in Agriculture Award was established in 1992 to honor agricultural leaders in Texas for their outstanding leadership and significant contributions to Texas agriculture; and

WHEREAS, Senator Sims embodies the characteristics for which this award was established to include the attainment of prominence through his efforts in agriculture on behalf of the State of Texas; the qualities of integrity, stature, and demonstrated ability which merit the recognition of a proven leader in the field of agriculture and natural resources; and his impressive record of accomplishments represents his contributions at the state and national level; and

WHEREAS, Raised on a ranch near Paint Rock, Senator Sims has been a lifelong advocate for Texas ranchers and farmers; a graduate of Texas Tech University in animal husbandry, he truly loves the land and the hardworking people who make it productive; and

WHEREAS, Named the Executive Secretary of the Texas Sheep and Goat Raisers' Association in 1966, he had already served 10 years as County Extension Agent in Howard and Irion counties; through his effectiveness as leader of this organization for 29 years, the Texas Sheep and Goat Raisers' Association helped shape the West Texas ranching industry; and

WHEREAS, Becoming aware of the extraordinary impact of legislation on the lives of rural people, Senator Sims was inspired to run for the Texas Senate in 1983 and was successful; he effectively served over 58 counties in Texas during his 14-year tenure in the Senate; and

WHEREAS, An assertive and tireless advocate on behalf of farmers, ranchers, and rural Texas communities, he served as Chair of the Natural Resources Committee; he also served on numerous other Senate committees, including Education, Economic Development, Administration, Intergovernmental Relations, Finance, and Criminal Justice; and

WHEREAS, A strong proponent of Texas agriculture, he was instrumental in the passage of essential legislation to eradicate the boll weevil, fight bovine tuberculosis, and establish control of the Texas fire ant; he also sponsored the bill reauthorizing the Texas Animal Health Commission; and

WHEREAS, The winner of countless honors and awards, Senator Sims has been commended by the Texas Wildlife Association, the Texas Association of Municipal Health Officials, the Texas State Troopers Association, the Texas Agriculture Commission, and the Professional Agriculture Workers of Texas; and

WHEREAS, A recent recipient of the Man of the Year Award from the Texas County Agricultural Agents, he also received a Distinguished Service Award from the Texas Farm Bureau and was honored as the recipient of the Fred T. Earwood Memorial Award from the Texas Sheep and Goat Raisers' Association in 1988; and

WHEREAS, This dedicated servant has lightly borne the responsibilities of leadership throughout his career in public service; it is fitting that commendation be accorded him; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby congratulate the Honorable William M. Sims on his highly deserved recognition; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Senator Sims as an expression of the highest regard and esteem of the Texas Senate.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brown and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

#### **GUESTS PRESENTED**

Senator Brown was recognized and introduced to the Senate Senator and Mrs. William Sims.

The Senate welcomed Senator and Mrs. Sims.

(Senator Truan in Chair)

**GUESTS PRESENTED**

Senator Nelson was recognized and introduced to the Senate a group of exchange students attending the Ursuline Academy in Dallas from Île-de-France High School in Paris.

The Senate welcomed its guests.

(President in Chair)

**SENATE BILL 1125 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1125**, Relating to the conveyance of certain state-owned real property in Bexar County to the National Park Service.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1125 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1125** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1125** was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Truan in Chair)

**COMMITTEE SUBSTITUTE**

**SENATE BILL 939 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 939**, Relating to control of tuberculosis in certain jail populations.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 939 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 939** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 939** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 73 ON SECOND READING**

On motion of Senator Haywood and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 73**, Relating to financial statements filed by judges of statutory county courts and statutory probate courts.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 73 ON THIRD READING**

Senator Haywood moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 73** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 73** was read third time and was passed by a viva voce vote.

(President in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 747 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 747**, Relating to the administration and financing of certain industrial development corporations; providing an administrative penalty.

The bill was read second time.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 747** by adding the following SECTIONS, appropriately numbered, and renumbering subsequent SECTIONS accordingly.

SECTION \_\_\_\_ . Section 4A(b), Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended by adding Subdivision (3) to read as follows:

(3) Notwithstanding any other provision of this Act, a corporation created under this section may not make an expenditure of more than \$1,000 without the unanimous consent of the governing body of the city that created the corporation if the corporation was created by a city:

(A) with a population of not more than 23,000 and not less than 20,000;

(B) that is located in a county having a population of not more than 2.5 million and not less than 1.5 million; and

(C) in which the voters of the city authorized the imposition of a sales and use tax under this section and under Section 4B of this Act before January 1, 1997.

SECTION \_\_\_\_ . Section 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended by adding Subsection (o) to read as follows:

(o) Notwithstanding any other provision of this Act, a corporation created under this section may not make an expenditure of more than \$1,000 without the unanimous consent of the governing body of the eligible city that created the corporation if the corporation was created by an eligible city:

(1) with a population of not more than 23,000 and not less than 20,000;

(2) that is located in a county having a population of not more than 2.5 million and not less than 1.5 million; and

(3) in which the voters of the city authorized the imposition of a sales and use tax under this section and under Section 4A of this Act before January 1, 1997.

The amendment was read and failed of adoption by the following vote: Yeas 13, Nays 16.

Yeas: Armbrister, Barrientos, Cain, Duncan, Ellis, Gallegos, Luna, Moncrief, Shapleigh, Truan, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Carona, Fraser, Galloway, Haywood, Lindsay, Lucio, Madla, Nelson, Nixon, Ogden, Ratliff, Shapiro, Sibley, Wentworth.

Absent: Harris, Patterson.

CSSB 747 was passed to engrossment by a viva voce vote.

#### RECORD OF VOTE

Senator Fraser asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### COMMITTEE SUBSTITUTE SENATE BILL 747 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that CSSB 747 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Fraser.

CSSB 747 was read third time and was passed by a viva voce vote.

#### RECORD OF VOTE

Senator Fraser asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Moncrief in Chair)

**COMMITTEE SUBSTITUTE  
SENATE BILL 1419 ON SECOND READING**

Senator West moved to suspend the regular order of business to take up for consideration at this time:

**CSSB 1419**, Relating to certain admissions and reporting procedures for certain institutions of higher education.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Ellis, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Duncan, Fraser, Nelson, Ogden, Shapiro.

**CSSB 1419** was read second time.

Senator Ogden offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1419** by adding a new subsection (4) to Section 51.803(g) on page 2, line 50. The subsection should read as follows:

"(4) has developed and implemented admissions policies which demonstrate a serious effort to attract and retain a diverse student population."

The amendment was read and failed of adoption by the following vote: Yeas 11, Nays 20.

Yeas: Brown, Carona, Duncan, Fraser, Galloway, Haywood, Lindsay, Nelson, Ogden, Shapiro, Wentworth.

Nays: Armbrister, Barrientos, Bivins, Cain, Ellis, Gallegos, Harris, Lucio, Luna, Madla, Moncrief, Nixon, Patterson, Ratliff, Shapleigh, Sibley, Truan, West, Whitmire, Zaffirini.

**CSSB 1419** was passed to engrossment by the following vote: Yeas 23, Nays 8.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Lindsay, Lucio, Luna, Madla, Moncrief, Patterson, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Carona, Duncan, Fraser, Haywood, Nelson, Nixon, Ogden, Shapiro.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1419 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1419** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Nelson, Ogden.

Absent: Duncan, Nixon.

**CSSB 1419** was read third time and was passed by the following vote: Yeas 23, Nays 7.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Lindsay, Lucio, Luna, Madla, Moncrief, Nixon, Ratliff, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Carona, Duncan, Fraser, Haywood, Nelson, Ogden, Shapiro.

Absent: Patterson.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1518 ON SECOND READING**

Senator Truan asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

**CSSB 1518**, Relating to the creation of the Texas High Technology Partnership Center.

There was objection.

Senator Truan then moved to suspend the regular order of business and take up **CSSB 1518** for consideration at this time.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

**CSSB 1518** was read second time.

Senator Truan offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1518** in Section 2 of the bill by striking added Section 150.008, Education Code, and substituting:

Sec. 150.008. ANNUAL REPORTING. The partnership shall provide to each member of the board of directors of the center an annual audited financial statement and a status report of each project undertaken by the partnership.

The amendment was read and was adopted by a viva voce vote.

**RECORD OF VOTE**

Senator Ogden asked to be recorded as voting "Nay" on the adoption of Floor Amendment No. 1.

**CSSB 1518** as amended was passed to engrossment by a viva voce vote.

**RECORD OF VOTE**

Senator Ogden asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1518 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1518** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Ogden.

**CSSB 1518** was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

**SENATE BILL 1498 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1498**, Relating to rate filings for certain lines of insurance.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1498 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1498** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1498** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 510 ON SECOND READING**

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 510**, Relating to conducting and financing primary elections.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 510 ON THIRD READING**

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 510** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 510** was read third time and was passed by a viva voce vote.



**COMMITTEE SUBSTITUTE  
SENATE BILL 432 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 432**, Relating to the regulation and operation of bingo.

The bill was read second time.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 432** as follows:

(1) On page 1, line 52 of the committee printing, delete the words "or other prize".

(2) On page 6, beginning on line 4 of the committee printing strike subsection (a) in its entirety and insert:

"(a) The taxes and fees authorized or imposed by this Act are due and payable by the licensee to the commission quarterly on or before the 15th day of the month succeeding each calendar quarter. The report must be filed under oath on forms prescribed by the commission".

The amendment was read and was adopted by a viva voce vote.

Senator Lucio offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 432** as follows:

Beginning on page 5, line 65 of the committee printing delete SECTION 9 in its entirety. Renumber the following sections.

The amendment was read and was adopted by a viva voce vote.

Senator Madla offered the following amendment to the bill:

**Floor Amendment No. 3**

Amend **CSSB 432** as follows:

In SECTION 4, subsection (d) of the bill after "applicable." add "Notwithstanding the purposes of a licensed authorized organization, 30 percent of the net proceeds from a special event bingo occasion shall be dedicated for reading and literacy programs in the county where the authorized organization conducts bingo."

The amendment was read and was adopted by a viva voce vote.

**CSSB 432** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 432 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 432** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 432** was read third time and was passed by a viva voce vote.

**SENATE BILL 1106 ON SECOND READING**

On motion of Senator Duncan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1106**, Relating to actions for the amount of deductible under personal automobile insurance policies.

The bill was read second time.

Senator Duncan offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1106**, SECTION 1, by deleting Subsection (c) on page 1, lines 21-24, and page 2, lines 1-2, and substituting therefor the following:

(c) Subsection (b) of this article does not apply if, not later than the earlier of twelve (12) [six] months after the date the insured's claim is paid [made] or 90 days prior to the expiration of the statute of limitations for negligence actions, the insurer notifies the insured in writing that the insurer does [will] not intend to pursue further collection actions [bring an action] against the third party and authorizes the insured to pursue further collection actions [bring the action].

The committee amendment was read and was adopted by a viva voce vote.

Senator Duncan offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **SB 1106**, SECTION 1, by the addition of a new Subsection (f) to read as follows:

(f) The Commissioner shall have authority to enforce this article and is authorized to promulgate and enforce reasonable rules and regulations as is necessary for the accomplishment of the purposes of this article.

The committee amendment was read and was adopted by a viva voce vote.

**SB 1106** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1106 ON THIRD READING**

Senator Duncan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1106** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1106** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1499 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1499**, Relating to the regulation and policy forms of certain lines of insurance.

The bill was read second time.

Senator Sibley offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1499** in SECTION 13 of the bill, in Article 5.35 (page 4, line 46, committee printing) by inserting the following:

(j) Notwithstanding Article 1.35A of this code, the office of public insurance counsel may submit written comments to the commissioner and otherwise participate regarding individual company filings made pursuant to this article.

The amendment was read and was adopted by a viva voce vote.

Senator Sibley offered the following amendment to the bill:

**Floor Amendment No. 2**

Amend **CSSB 1499** as follows:

(1) Add the following appropriately numbered section:

SECTION \_\_. Section 5, Article 5.73, Insurance Code is amended to read as follows:

Sec. 5. The authority granted under this article shall be reviewed during the normal Sunset cycle of the Texas Department of Insurance [expires September 1, 1997].

(2) Renumber the subsequent sections accordingly.

The amendment was read and was adopted by a viva voce vote.

**CSSB 1499** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1499 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1499** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 1499** was read third time and was passed by a viva voce vote.

**SENATE BILL 1310 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1310**, Relating to historic structures, including the restoration and preservation of historic structures by a municipality.

The bill was read second time.

Senator Ellis offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 1310** as follows:

(1) In SECTION 2 of the bill, in proposed Section 442.001, of the Government Code, line 36, page 1 of the Committee Report, strike "a municipal ordinance" and insert the following: an ordinance of a municipality with a population of more than 1.5 million.

The amendment was read and was adopted by a viva voce vote.

**SB 1310** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 1310 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1310** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1310** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 820 ON SECOND READING**

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 820**, Relating to the establishment and operation of an electronic procurement marketplace, including an electronic commerce network.

The bill was read second time.

Senator West offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 820** as follows:

(1) On page 1, line 17, between the words "commission" and "shall" insert "in consultation with the Department of Information Resources".

(2) On page 3, line 5, between the words "shall" and "base" insert "comply with applicable rules of the Department of Information Resources".

(3) On page 3, line 5, substitute "to the extent that they are based on" for "base".

(4) On page 3, line 5, delete "the network on."

The committee amendment was read and was adopted by a viva voce vote.

Senator West offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **SB 820** as follows:

Insert the following new SECTION immediately following SECTION 4 of the bill and renumber remaining SECTIONS appropriately:

SECTION \_\_. Subsection (a), Section 271.083, Local Government Code, is amended by adding Subdivision (5) to read as follows:

(5) The provisions of Chapter 2177, Government Code, shall apply to a local government that exercises the ability to electronically send purchase orders and information under the provisions of this section.

The amendment was read and was adopted by a viva voce vote.

**SB 820** as amended was passed to engrossment by a viva voce vote.

**SENATE BILL 820 ON THIRD READING**

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 820** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 820** was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1829 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1829**, Relating to the dissolution of the San Elizario Grant Municipal Utility District and the transfer of its territory, assets, and liabilities to the Lower Valley Water District.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1829 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1829** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 1829** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE**

**SENATE BILL 1830 ON SECOND READING**

On motion of Senator Shapleigh and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1830**, Relating to the inclusion of the territory of the Town of Clint in the Lower Valley Water District.

The bill was read second time.

Senator Shapleigh offered the following amendment to the bill:

**Floor Amendment No. 1**

Amend **CSSB 1830** as follows:

(1) In SECTION 6 of the bill strike Subsections (a)(4)-(7) and substitute the following:

(4) the district completes construction of facilities necessary to provide adequate water capacity and pressure to serve the town;

(5) the district purchases the transmission line and any interest in the water service and distribution facilities owned by the school district within the town; and

(6) the school district arranges for the termination of all water supply and other contracts between the school district and the City of El Paso's Water Utilities Public Service Board to be effective the date on which the commission issues an order under Section 7 of this Act.

(2) In SECTION 6 of the bill strike "the following:

(1)".

(3) In SECTION 6 of the bill strike "; and

(2) that the water distribution system operated by the school district meet appropriate commission standards".

The amendment was read and was adopted by a viva voce vote.

**CSSB 1830** as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1830 ON THIRD READING**

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1830** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 1830** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1112 ON SECOND READING**

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**CSSB 1112**, Relating to development of a statewide guide on child care.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE  
SENATE BILL 1112 ON THIRD READING**

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSSB 1112** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**CSSB 1112** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE BILL 1051 ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

**SB 1051**, Relating to the validation of acts, proceedings, orders, and ordinances of certain counties regarding nonhazardous solid waste disposal.

The bill was read second time and was passed to engrossment by a viva voce vote.

**SENATE BILL 1051 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1051** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

**SB 1051** was read third time and was passed by the following vote: Yeas 31, Nays 0.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Sibley and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider the following bills today: **SB 530, SB 1781**

**PERMISSION TO MEET GRANTED**

On motion of Senator Ratliff and by unanimous consent, Senate committees were granted permission to meet during the Local and Uncontested Calendar Session.

**SENATE RULE 11.19 SUSPENDED  
(Posting Rule)**

On motion of Senator Patterson and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Veteran Affairs and Military Installations might consider **SB 226** today.

**MOTION TO ADJOURN**

On motion of Senator Truan and by unanimous consent, the Senate at 1:44 p.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 9:30 a.m. tomorrow.

**AT EASE**

The Presiding Officer, Senator Moncrief in Chair, at 1:44 p.m. announced the Senate would stand At Ease subject to the call of the Chair.

**IN LEGISLATIVE SESSION**

Senator Harris at 1:48 p.m. called the Senate to order as In Legislative Session.

**SESSION HELD FOR  
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

**CSSB 143** (Moncrief on behalf of Harris) Relating to the punishment for the offense of cruelty to animals. (31-0) (31-0)

**SB 352** (Armbrister) Relating to the continuation and functions of the Texas National Guard Armory Board. (31-0) (31-0)

Senator Armbrister offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 352** by inserting the following appropriately numbered new sections into the bill to read as follows and renumbering existing sections of the bill appropriately:

**SECTION \_.** (a) The Texas National Guard Armory Board shall donate and transfer to the City of Donna the real property described by Subsection (d) of this section if:

(1) the property is no longer used by the Texas National Guard Armory Board as an armory;

(2) the property is fully paid for and free of liens; and

(3) all obligations incurred in connection with the acquisition and construction of the property have been fully paid.

(b) The Texas National Guard Armory Board shall transfer the property by an appropriate instrument of transfer. The instrument must include a provision that:



(1) requires the City of Donna to use the property only for governmental purposes; and

(2) indicates that ownership of the property will automatically revert to the Texas National Guard Armory Board if the City of Donna uses the property for any purpose other than a governmental purpose.

(c) The Texas National Guard Armory Board shall retain custody of the instrument of transfer after its filing.

(d) The real property referred to in Subsection (a) of this section is described as follows:

Being Lots Eight (8) to Twenty-One (21), inclusive, and Lots Thirty-five (35) to Forty (40), inclusive, out of the La Colonial Subdivision in Donna, Hidalgo County, Texas, said Subdivision being a Re-subdivision of Lots One (1) and Two (2), Block Eighty-One (81) of the Lott, Town and Improvement Company's Subdivision of lands in Hidalgo County, Texas, according to the maps and plats of said subdivisions of record in the Office of the County Clerk of Hidalgo County, Texas, to which reference is here made for all purposes; SAVE AND EXCEPT all of the Oil, Gas, and other minerals in and under, and that may be produced from said property, same being expressly reserved to the City of Donna, Texas.

SECTION \_\_. (a) The Texas National Guard Armory Board shall donate and transfer to the City of Edinburg the real property described by Subsection (d) of this section if:

(1) the property is no longer used by the Texas National Guard Armory Board as an armory;

(2) the property is fully paid for and free of liens; and

(3) all obligations incurred in connection with the acquisition and construction of the property have been fully paid.

(b) The Texas National Guard Armory Board shall transfer the property by an appropriate instrument of transfer. The instrument must include a provision that:

(1) requires the City of Edinburg to use the property only for governmental purposes; and

(2) indicates that ownership of the property will automatically revert to the Texas National Guard Armory Board if the City of Edinburg uses the property for any purpose other than a governmental purpose.

(c) The Texas National Guard Armory Board shall retain custody of the instrument of transfer after its filing.

(d) The real property referred to in Subsection (a) of this section is described as follows:

A tract of land containing 3.42 acres, more or less, out of Lot No. Ten (10) in Section No. Two Hundred Seventy-One (271) of the Texas-Mexican Railway Company's Surveys in Hidalgo County, Texas, according to the map or plat showing the subdivision of said section along with other sections appearing of record in Volume 24, Page 168 of the Deed Records of Hidalgo County, Texas, said tract being more particularly described by metes and bounds as follows:

Beginning at a point on the West boundary line of said Lot No. Ten (10), Section No. Two Hundred Seventy-One (271), 603.8 feet North of the

Southwest corner of said Lot; Thence Easterly on a line parallel to the South boundary line of said Lot No. 10 a distance of 307.86 feet to a point for the Southeast corner of this tract; Thence Northerly on a line parallel to the West boundary line of said Lot No. 10 a distance of 650.2 feet to a point, which point is 66 feet South of the North boundary line of said Lot No. 10 and also 13 feet South of the South concrete edge of a concrete-lined canal; Thence Westerly on a line parallel to the North boundary line of said Lot No. 10 and said concrete canal a distance of 132 feet to a point; Thence Southerly and Westerly a distance of 141.39 feet along a curved line parallel to and 13 feet distant from said concrete canal to a point; Thence Southerly on a line parallel to the West boundary line of said Lot No. 10 and concrete canal a distance of 391 feet to a point; Thence Westerly on a line parallel to the North boundary line of said Lot No. 10 a distance of 36 feet to a point; Thence Southerly on a line parallel to the West boundary line of said Lot No. 10 a distance of 160 feet to a point; Thence Westerly on a line parallel to the North boundary line of said Lot No. 10 a distance of 50 feet to a point on the West boundary line of said Lot No. 10; Thence Southerly along the West boundary line of said Lot No. 10 a distance of 10 feet to the point of beginning, containing, by the above metes and bounds, 3.42 acres of land, more or less.

SECTION \_\_. (a) The Texas National Guard Armory Board shall donate and transfer to the City of McAllen the real property described by Subsection (d) of this section if:

(1) the property is no longer used by the Texas National Guard Armory Board as an armory;

(2) the property is fully paid for and free of liens; and

(3) all obligations incurred in connection with the acquisition and construction of the property have been fully paid.

(b) The Texas National Guard Armory Board shall transfer the property by an appropriate instrument of transfer. The instrument must include a provision that:

(1) requires the City of McAllen to use the property only for governmental purposes; and

(2) indicates that ownership of the property will automatically revert to the Texas National Guard Armory Board if the City of McAllen uses the property for any purpose other than a governmental purpose.

(c) The Texas National Guard Armory Board shall retain custody of the instrument of transfer after its filing.

(d) The real property referred to in Subsection (a) of this section is described as follows:

The North Five (N 5) acres of the South Eight and Sixty Nine Hundredths (8.69) acres of Lot Fifteen (15) in the Northwest Quarter (1/4) of Section Seven (7), Hidalgo Canal Company's Subdivision of lands out of Porciones 64, 65 and 66 in Hidalgo County, Texas, said five (5) acres being the North 303.77 feet of the South 528.0 feet of said Lot 15, and is described by metes and bounds as follows:

BEGINNING at a point in South Main Street in the City of McAllen, Texas, on the West line of Lot 15, Northwest 1/4 of Section 7, Hidalgo Canal Company's Subdivision of Porciones 64, 65 and 66, Hidalgo County, Texas,

North 8 degrees 46 minutes West, 528.0 feet from the Southwest corner of said Lot 15 for the Northwest corner of the South 8.69 acres of said lot and the Northwest corner hereof.

THENCE, with the North line of the South 8.69 acres of Lot 15, South 81 deg. 16 min. East, 717.0 feet to a point on the East line of Lot 15 for the Northeast corner hereof.

THENCE, with the East line of Lot 15, South 8 deg. 46 min. West, 303.77 feet to a point for the Southeast corner hereof.

THENCE, parallel to the South line of Lot 15, North 81 deg. 16 min. West, 717.0 feet to a point on the West line of Lot 15 for the Southwest corner hereof.

THENCE, with the West line of Lot 15 in South Main Street, North 8 deg. 46 min. West, 303.77 feet to the POINT OF BEGINNING, containing 5.0 acres of land, of which the West 39.0 feet is hereby set aside for Main Street right-of-way:

SAVE AND EXCEPT all oil, gas and other minerals.

SECTION \_\_. (a) The Texas National Guard Armory Board shall donate and transfer to the City of Pharr the real property described by Subsection (d) of this section if:

(1) the property is no longer used by the Texas National Guard Armory Board as an armory;

(2) the property is fully paid for and free of liens; and

(3) all obligations incurred in connection with the acquisition and construction of the property have been fully paid.

(b) The Texas National Guard Armory Board shall transfer the property by an appropriate instrument of transfer. The instrument must include a provision that:

(1) requires the City of Pharr to use the property only for governmental purposes; and

(2) indicates that ownership of the property will automatically revert to the Texas National Guard Armory Board if the City of Pharr uses the property for any purpose other than a governmental purpose.

(c) The Texas National Guard Armory Board shall retain custody of the instrument of transfer after its filing.

(d) The real property referred to in Subsection (a) of this section is described as follows:

Three (3) acres of land in the South part of Lot Number 182 of the Kelly-Pharr Subdivision of Porciones 69-70, Hidalgo County, Texas, according to the map of said subdivision, recorded in Volume "3", pages 133-134, of the Deed Records of said county, described by metes and bounds as follows, to wit:

Beginning in the South line of said Lot No. 182 at a point N 81~35' W 630 feet from the Southeast corner of said lot, for the Southwest corner hereof; thence S 81~ 35' E 300 feet to a point in said south line for the Southeast corner hereof; thence N 8~ 25' E parallel with the East line of said lot, 435.6 feet to a point for the Northeast corner hereof; thence N 81~ 35' W, parallel with the South line of said lot, 300 feet to a point for the Northwest corner hereof; Thence S 8~ 25' W, parallel with the East line of said lot, 435.6 feet to the place

and point of beginning,- containing three (3) acres, EXCEPTING from this conveyance however, and not conveyed hereby, all of the oil, gas and other minerals in, under and that may be produced from said described three acres.

The committee amendment was read and was adopted by a viva voce vote.

**CSSB 459** (Ellis) Relating to the membership of a local workforce development board. (31-0) (31-0)

**CSSB 512** (Madla) Relating to the term of election judges for county election precincts. (31-0) (31-0)

**SB 660** (Luna) Relating to the operation of a county sick leave pool program. (31-0) (31-0)

**SB 752** (Moncrief) Relating to the disclosure of health care information. (31-0) (31-0)

Senator Moncrief offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 752** as follows:

In SECTION 1, amend Subdivision (11), Section 241.153 (page 2, lines 21 and 22) by adding the following between "(8)" and ".": or eye bank as defined in Section 692.002(4).

The committee amendment was read and was adopted by a viva voce vote.

Senator Moncrief offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **SB 752** on page 2, line 22 by inserting the following between "(8)" and ".":

"Based on notification by a hospital, to the extent authorized and/or required by state and federal law."

The committee amendment was read and was adopted by a viva voce vote.

**CSSB 759** (Armbrister) Relating to the appraisal and ad valorem taxation of heavy equipment; providing penalties. (31-0) (31-0)

**SB 804** (Brown) Relating to allowing municipalities to purchase goods for retail sale without following competitive bidding procedures. (31-0) (31-0)

**SB 816** (Truan) Relating to the change of name of Corpus Christi State University to Texas A&M University—Corpus Christi and to eliminating certain obsolete provisions relating to the university. (31-0) (31-0)

**SB 855** (Patterson) Relating to the disposal of certain abandoned vehicles by a vehicle storage facility. (31-0) (31-0)

Senator Patterson offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 855** in SECTION 1, Subsection (d), Section 13, Vehicle Storage Facility Act (page 1, lines 14-17, introduced version), by striking the second sentence and inserting the following:

"The second notice must contain:

- (1) the information required under Subsection (b) of this section;
- (2) a statement of the right of the facility to dispose of the vehicle under Section 14B of this Act; and
- (3) a statement that the failure of the owner or lienholder to claim the vehicle before the 30th day after the date the second notice was mailed is:
  - (A) a waiver by that person of all right, title, and interest in the vehicle; and
  - (B) a consent to the sale of the vehicle at a public sale."

The committee amendment was read and was adopted by a viva voce vote.

**CSSB 862** (Armbrister) Relating to the administration, collection, and enforcement by the comptroller of various taxes and fees. (31-0) (31-0)

**SB 887** (Moncrief on behalf of Harris) Relating to the transfer of certain property to a custodian under the Uniform Transfers to Minors Act. (31-0) (31-0)

Senator Moncrief, on behalf of Senator Harris, offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 887** as follows:

- (1) In SECTION 2 of the bill, in line 24, strike "1997" and substitute "1995".
- (2) In SECTION 3 of the bill in line 17, strike "1997" and substitute "1995".

The committee amendment was read and was adopted by a viva voce vote.

**CSSB 926** (Sibley) Relating to the medical services fees at certain public institutions of higher education. (31-0) (31-0)

**SB 972** (Moncrief on behalf of Harris) Relating to mental health treatment decisions made on behalf of an incapacitated individual and authorizing a declaration for mental health treatment. (31-0) (31-0)

Senator Moncrief, on behalf of Senator Harris, offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 972** as follows:

On page 10, strike lines 6-15, and add the following:

"In an emergency, I prefer the following treatment FIRST (circle one) Restraint/Seclusion/Medication.

In an emergency, I prefer the following treatment SECOND (circle one) Restraint/Seclusion/Medication.

In an emergency, I prefer the following treatment THIRD (circle one) Restraint/Seclusion/Medication.

I prefer a male/female to administer restraint, seclusion and/or medications.

Options for treatment prior to use of restraint, seclusion and/or medications:

\_\_\_\_\_  
\_\_\_\_\_

The committee amendment was read and was adopted by a viva voce vote.

Senator Moncrief, on behalf of Senator Harris, offered the following committee amendment to the bill:

**Committee Amendment No. 2**

Amend **SB 972** as follows:

On page 6, line 11, after the word "principal" add ", or principal's guardian, if appropriate,".

The committee amendment was read and was adopted by a viva voce vote.

**CSSB 974** (Carona) Relating to the recovery of environmental inspection, removal, and remediation costs by a taxing unit that purchases real property at an ad valorem tax sale. (31-0) (31-0)

**SB 996** (Moncrief on behalf of Harris) Relating to the donation of certain surplus or salvage state property. (31-0) (31-0)

**CSSB 1012** (Ogden) Relating to the creation of the office of criminal district attorney of Madison County, to the abolition of the office of county attorney of Madison County, and to the abolition of the jurisdiction of the district attorney for the 12th Judicial District in Madison County. (31-0) (31-0)

**SB 1016** (Ogden) Relating to speed limits on highways near institutions of higher education. (31-0) (31-0)

Senator Ogden offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1016** as follows:

On page 1, line 11, insert "(8) or (15)" between "61.003" and the comma.

The committee amendment was read and was adopted by a viva voce vote.

**SB 1044** (Truan) Relating to the change of the name of Texas A&I University to Texas A&M University—Kingsville. (31-0) (31-0)

**SB 1219** (Patterson) Relating to the power of the board of regents of The Texas A&M University System to designate Texas A&M University at Galveston as a branch campus of Texas A&M University. (31-0) (31-0)

**SB 1269** (Armbrister) Relating to the duties of the tax assessor-collector regarding certain tax receipt records. (31-0) (31-0)

Senator Armbrister offered the following committee amendment to the bill:

**Committee Amendment No. 1**

Amend **SB 1269** as follows:

On page 1, line 13, Section 2, after the word "effect" strike "September 1, 1997" and substitute "January 1, 1998."

The committee amendment was read and was adopted by a viva voce vote.

**SB 1590** (Haywood) Relating to the use and distribution of a regulated herbicide and certain pesticides. (31-0) (31-0)

**BILL REMOVED FROM  
LOCAL AND UNCONTESTED CALENDAR**

Senator Ellis requested in writing that **SB 951** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR  
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

**MEMORIAL RESOLUTION**

**SR 478** - by Duncan: In memory of Wayne Merwyn Igo of Plainview.

**CONGRATULATORY RESOLUTIONS**

**SR 474** - by Whitmire: Congratulating the Grand Commandery Knights Templar of Texas.

**SR 475** - by Lucio: Commending the Public Utilities Board of Brownsville and the Southmost Regional Water Authority.

**SR 479** - by Moncrief: Congratulating Estellar Lee Embry Belcher of Fort Worth.

**SR 480** - by Bivins: Congratulating Barbara Culver Clack of Midland.

**SR 481** - by Bivins: Congratulating Joyce Ann Billington Lasley of Stratford.

**SR 482** - by Bivins: Congratulating Catherine M. Teague.

**HCR 123** - (Brown): Congratulating former Senator Bill Sims of Paint Rock.

**ADJOURNMENT**

Pursuant to a previously adopted motion, the Senate at 2:05 p.m. adjourned, in memory of Charles M. Bolden of Corpus Christi who died on March 6, 1997, until 9:30 a.m. tomorrow.

---

**APPENDIX**

---

**COMMITTEE REPORTS**

The following committee reports were received by the Senate:

April 10, 1997

ADMINISTRATION — **SB 1288** (Amended, Ordered Not Printed)

JURISPRUDENCE — **SB 502** (Amended)

STATE AFFAIRS — **SB 1903, SB 1756, SB 1755, SB 1631, SB 1204, SB 1153, SB 1170, SB 1544**

CRIMINAL JUSTICE — **SB 1156** (Amended), **CSSB 550, CSSB 1218, CSSB 89, SB 875** (Amended)

JURISPRUDENCE — **SJR 25** (Amended), **CSSB 1417, SB 621, SB 1304** (Amended), **CSSB 1180, CSSB 885, CSSB 1556, CSSB 1161, CSSB 1864**

CRIMINAL JUSTICE — **SB 542** (Amended)

INTERGOVERNMENTAL RELATIONS — **SB 1298, SB 1394, SB 1543, SB 1796, CSSB 1790**

HEALTH AND HUMAN SERVICES — **SB 1234, SB 1765**

EDUCATION — **SB 1368, SB 1627, SB 1654, SB 1357, SB 1306**

NATURAL RESOURCES — **CSSB 1458, SB 1793, SB 1582** (Amended), **CSSB 1558, SB 1463** (Amended), **SB 1316, CSSB 1137, CSSB 156, CSSB 372, SB 1809, CSSB 1601, CSSB 1600**

ECONOMIC DEVELOPMENT — **CSSB 932**



**In Memory  
of  
Charles M. Bolden**

Senator Truan offered the following resolution:

**(Senate Resolution 441)**

WHEREAS, The Senate of the State of Texas joins the citizens of Corpus Christi in mourning the loss of Charles M. Bolden, who died March 6, 1997, at the age of 82; and

WHEREAS, Born January 21, 1915, in Columbus, Texas, to Augustus and Ruth S. Bolden, Charles Bolden graduated from high school in Taylor, Texas, and attended Xavier University on a track scholarship; and

WHEREAS, Mr. Bolden was dedicated to his work as the first recreation coordinator of Corpus Christi's T. C. Ayers Recreation Center, where he served for 25 years; he was also the first outreach coordinator for HIALCO, Incorporated, a nonprofit consortium for community development, and he served as a Deputy Tax Assessor-Collector for the County of Nueces; and

WHEREAS, A highly talented and knowledgeable individual, he was an admissions representative for Pikes Peak College and served the United States government as a Small Business Administration loan administrator; he was a work site outreach coordinator for the AFL-CIO and was an independent real estate broker and property manager; and

WHEREAS, An exemplary and distinguished gentleman, Charles Bolden was respected for his many accomplishments and for his leadership in the community; he was the founder of the Black Chamber of Commerce and a life member of the National Association for the Advancement of Colored People; and

WHEREAS, Mr. Bolden was a 33rd degree Scottish Rite Mason, a member of the Grand Lodge of Perfection, a Noble of the Mystic Shrine, and a member of Kappa Alpha Psi, Inc.; a devout Christian, he was an original trustee and member of Saint Matthew's Missionary Baptist Church and a member of the Downtown Kiwanis Club; and

WHEREAS, Well known for his integrity, compassion, and generosity, Mr. Bolden gave unselfishly of his time to others, and his wisdom, warmth, and valued counsel will not be forgotten by those who knew him; and

WHEREAS, Charles Bolden was a devoted husband and father, and he leaves behind memories that will be treasured forever by his family and many friends; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby extend sincere condolences to the bereaved family of Charles M. Bolden: his wife of 60 years,

Eddie N. Bonner Bolden; his son, Carl M. Bolden; and his sisters, Augusta Wilkins and Tansy Bailey; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Charles Bolden.

The resolution was again read.

The resolution was previously adopted on Monday, April 7, 1997.